

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



USPTO Inventor Info Chat Series: ***Types of Patent Applications***

Office of Innovation Development
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February 16, 2017

Email questions to:
inventorinfochat@uspto.gov

UNITED STATES
PATENT AND TRADEMARK OFFICE



Office of Innovation Development (OID)

- In Person Assistance (by appointment) for Pro Se Applicants
- Assistance Hotline 1-866-767-3848
- Patent Email Support
innovationdevelopment@uspto.gov
- PTRC Partnership for Patent Education Courses
- Inventor Outreach
 - Independent Inventor Conferences
 - Education for Inventor Organizations
- <http://www.uspto.gov/inventors>



Objectives

- To give an overview of intellectual property and the different types of patents
- To provide an understanding of provisional and non-provisional utility applications

Send your questions to inventorinfochat@uspto.gov



IP Awareness Assessment Tool

ipAwarenessAssessment

Beta II

uspto NIST

A business and inventors IP evaluation tool

IP Awareness Assessment

The IP Awareness Assessment, developed under the joint efforts of United States Patent and Trademark Office (USPTO) and National Institute of Standards and Technology/Manufacturing Extension Partnership (NIST/MEP), allows you to assess your intellectual property awareness. Following the completion of the assessment, you will receive a customized training material. [Learn more](#)

Feedback

Your [feedback](#) and comments are crucial for improving the IP Awareness Assessment.

Inventor Assistance Program

Important Notice

Please note that any information provided here does not constitute legal advice, but is intended to increase your IP awareness. When filing an application for obtaining specific IP rights, it is recommended that you obtain professional legal assistance. The IP Awareness Assessment contains links to external websites. USPTO does not maintain those external sites and is not responsible for the material found therein.

Welcome to the Intellectual Property Awareness Assessment Tool. The IP Assessment includes the below five general categories, that are included in all assessments.

- IP Strategies & Best Practices
- International IP Rights
- IP Asset Tracking
- Licensing Technology to Others
- Using Technology of Others

There are five additional categories that all can take or, which may be customized through a Pre-assessment. These five categories include:

- Copyrights
- Design Patents
- Trademarks
- Trade Secrets
- Utility Patents

Not all businesses have all categories of IP Assets so they have an opportunity to opt out of certain categories by using the customizer or Pre-assessment or may opt to take the full assessment of ten categories containing 62 questions.

The full assessment requires about 20-30 minutes to complete. The customizer or Pre-assessment can reduce the required time by 10-15 minutes.

enter the IP Awareness Assessment

Before starting the assessment, please note:

- Save the link for this page as a favorite/bookmark on your browser.
- In the "Internet Options" of your browser, deselect/uncheck history on exit. This will allow you to return and resume your assessment session in case you cannot finish it in one sitting. This will also allow you to access your training materials and assessment results at your convenience.
- As you are answering the assessment questions, choose the answer that best applies to your business or circumstances as an independent inventor or individual. Where applicable, choose all the responses that apply to your situation.
- Responses or data collected in the assessment are not stored or used by the USPTO or NIST MEP.

- The IP Assessment includes the 5 general categories that are included in all assessments.

- IP Strategies & Best Practices
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- IP Asset Tracking Licensing
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- <http://www.uspto.gov/inventors/assessment/>



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Overview of IP: Types

- **Patents**
 - Protects inventions
 - Source: U.S. Const., Art. I, Sec. 8
- **Trademarks**
 - Protects marks in commerce that indicate the source or origin of goods or services
 - Source: Federal, State, and Common Law
- **Copyrights**
 - Protects original (art) works of authorship fixed in a tangible medium
 - Source: U.S. Const., Art. I, Sec. 8
- **Trade Secrets**
 - Protects commercially valuable proprietary information that gives a competitive advantage and is subject to reasonable efforts to preserve confidentiality
 - Source: State, Common law and Defend Trade Secrets Act of 2016



What is a patent?

- A Property Right

- Right to **exclude others** from making, using, selling, offering for sale or importing the claimed invention
- Limited term
- Territorial: protection only in territory that granted patent; **NO world-wide patent**



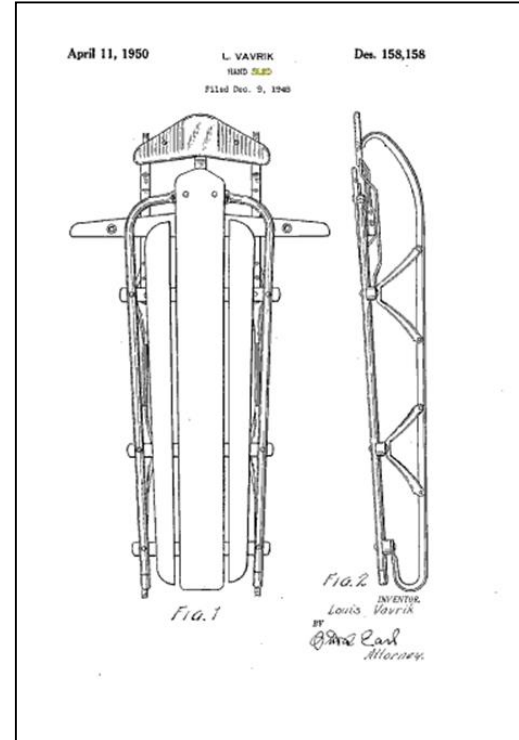
What should you file?

- Types of US patents
 - **Utility**: any new and useful process, article of manufacture, machine, or composition, or improvement thereof
 - **Design**: a new, original, and ornamental design for an article of manufacture
 - **Plant**: any distinct and new variety of plant that is invented or discovered and asexually reproduced



Design Patent Applications

- Design patents protect the way an object appears, ornamental features of invention
- No provisional application
- 15 year term, from issue
- No maintenance fees



Provisional vs. Non-provisional

| Provisional | Non-provisional |
|---|---|
| <ul style="list-style-type: none">• Not examined or published• One-year time limit• Available for utility and plant patent applications• A low-cost way to establish an early effective filing date (priority date) in a non-provisional patent application with few formalities | <ul style="list-style-type: none">• Examined• Published 18 months from earliest filing date (unless a request for a non-publication at filing)• Can become a patent• In general, 20-year patent protection from filing date* |

*Subject to the payment of maintenance fees, the term of a patent begins on the date the patent issues and ends 20 years from the date the application was filed, or if the application claims the benefit of an earlier filed U.S. application or applications (excluding provisional applications), the patent term ends 20 years from the date the earliest such application was filed.

(Note: A utility patent could be subject to a terminal disclaimer or patent term extension or adjustment which would affect the term of the patent.)



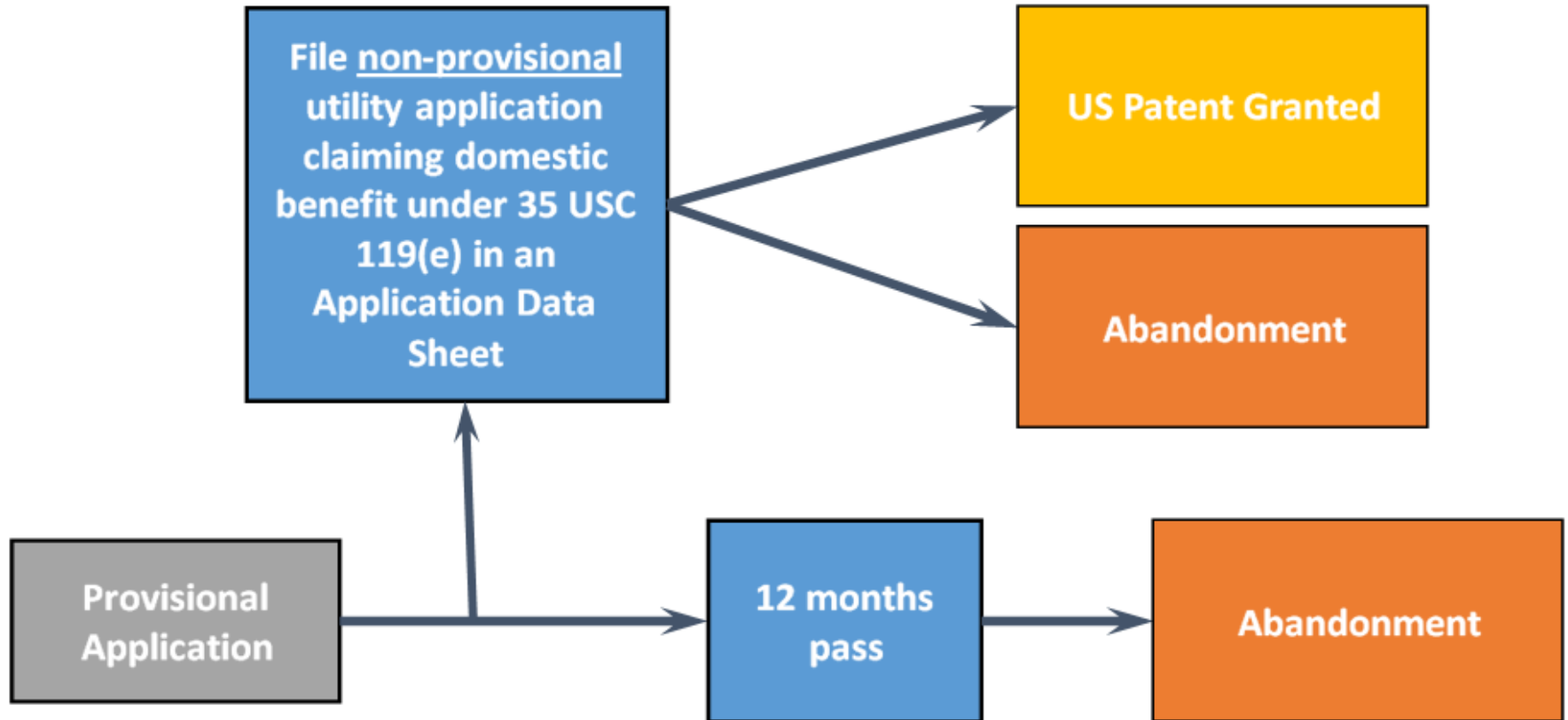
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Provisional vs. Non-provisional

- Not an either or proposition
- Claim priority to provisional application only in a non-provisional application (This is a domestic priority claim, which must be completed on the Application Data Sheet under the heading "Domestic Benefit/National Stage Information:")
- Disclosure of provisional application must support non-provisional (to allow the claims to be entitled to the earlier effective filing date)



Application Flow Chart



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Benefits of Provisional Utility Applications

- Inventor given time to investigate market potential
- May file multiple provisional applications during the 1-year pendency of the first filed provisional to include improvements
- Provides time to obtain counsel if desired
- Patent term measured from filing date of subsequent non-provisional application
- Term patent pending allowed to be applied



Where do you go from here?

Provisional Applications – As Basis for Priority

- Domestic Priority
 - For non-provisional applications
- Foreign Priority
 - Foreign Applications can claim benefit of Provisional Application filing date if filed within 12 months of the Provisional filing date under **Paris Convention Article 4**
 - **Patent Cooperation Treaty** (PCT) International application can claim priority to US Provisional Application
 - Applicant receives an early indication of pertinent prior art and a written opinion as to the novelty, inventive step, and industrial applicability of the claimed invention



Current USPTO Fee Schedule

| Patent Application Filing Fees | | | Back to Top | | |
|--------------------------------|---------|---|-------------|------------------|------------------|
| Fee Code | 37 CFR | Description | Fee | Small Entity Fee | Micro Entity Fee |
| 1011/2011/3011 | 1.16(a) | Basic filing fee - Utility (paper filing – also requires non-electronic filing fee under 1.16(t)) | 280.00 | 140.00 | 70.00 |
| 1011/4011+/3011 | 1.16(a) | Basic filing fee - Utility (electronic filing) | 280.00 | 70.00 | 70.00 |
| 1012/2012/3012 | 1.16(b) | Basic filing fee - Design | 180.00 | 90.00 | 45.00 |
| 1017/2017/3017 | 1.16(b) | Basic filing fee - Design (CPA) | 180.00 | 90.00 | 45.00 |
| 1013/2013/3013 | 1.16(c) | Basic filing fee - Plant | 180.00 | 90.00 | 45.00 |
| 1005/2005/3005 | 1.16(d) | Provisional application filing fee | 260.00 | 130.00 | 65.00 |

<http://www.uspto.gov/learning-and-resources/fees-and-payment/uspto-fee-schedule>



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| Patent Search Fees | | | Back to Top | | |
|----------------------------|----------------|-------------------------|-------------|------------------|------------------|
| Fee Code | Fee Code | Description | Fee | Small Entity Fee | Micro Entity Fee |
| 1111/2111/3111 | 1.16(k) | Utility Search Fee | 600.00 | 300.00 | 150.00 |
| Patent Examination Fees | | | Back to Top | | |
| Fee Code | 37 CFR | Description | Fee | Small Entity Fee | Micro Entity Fee |
| 1311/2311/3311 | 1.16(o) | Utility Examination Fee | 720.00 | 360.00 | 180.00 |
| Patent Post-Allowance Fees | | | Back to Top | | |
| Fee Code | 37 CFR | Description | Fee | Small Entity Fee | Micro Entity Fee |
| 1501/2501/3501 | 1.18(a) (1) | Utility issue fee | 960.00 | 480.00 | 240.00 |

<http://www.uspto.gov/learning-and-resources/fees-and-payment/uspto-fee-schedule>

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Find Help at

<http://www.uspto.gov/patent>



The screenshot shows the USPTO website's patent help section. At the top is the USPTO logo and navigation links. Below is a search bar and a menu with 'Patents', 'Trademarks', and 'Learning and Resources'. The 'Patents' section is active, showing a sidebar with '1. Getting Started', '2. Application Process', and '3. Maintaining Your Patent'. The main content area is titled 'Getting Started with Patents' and includes a paragraph about the application process. A 'Helpful Resources' list is on the right.

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Patents Trademarks Learning and Resources

Quick Links

1. Getting Started

Getting Started with Patents

Applying for a patent successfully requires a strong understanding of the application process. This is the first step to a successful application.

2. Application Process

3. Maintaining Your Patent

Helpful Resources:

- > [General Information Concerning Patents](#)
- > [Patent Process Overview](#)
- > [Using Legal Services](#)
- > [International Patent Cooperation](#)
- > [Patent and Trademark Resource Centers \(PTRCs\)](#)
- > [Patent Statistics](#)

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<http://www.uspto.gov/patent>

Also has direct links to:

- Patent searching
- Patents Forms
- Online Filing
- Patent Trial and Appeal Board
- Check the status of an application
- Search for and change patent ownership
- Laws, Regulations, Policies, Procedures, Guidance and Training

Upcoming OID Events

- March 2, 2017 – Women's Entrepreneurship Symposium – Pittsburgh, PA
- March 16, 2017 – Inventor Info Chat – "How to Search and why you want to?"
- March 23, 2017 – Working with Patents and Trademarks – Indianapolis, IN

For more information or to register for any of the above events contact us at

oidevents@uspto.gov





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Thank You!

To enquire about OID services please contact us at:

InnovationDevelopment@uspto.gov

1.866.767.3848

Presented By:
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